

ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

United States Fidelity and
Guaranty Company

v.

Bruce J. Brown and Brown, Schultz
Sheridan & Fritz

FILED
HARRISBURG, PA
SEP 12 2002
MARY E. D'ANDREA, CLERK
Per Deputy Clerk

No: 01-CIV-813

MJ Smyser

**MOTION OF DEFENDANTS FOR LEAVE TO FILE A BRIEF IN
EXCESS OF FIFTEEN PAGES**

Pursuant to Local Rule 7.8, defendants, Bruce Brown and Brown Schultz Sheridan & Fritz, seek leave to file a brief in excess of fifteen pages in support of their Motion for Summary Judgment and set forth the following in support thereof:

1. This is an action in which Plaintiff, a company that issued surety credit to a construction company, seeks to recover damages from the defendant accountants for alleged negligent misrepresentations contained in three years of audited financial statements prepared by defendants for CCI Construction Company.

2. Plaintiff claims that it issued 19 sets of payment and performance bonds to CCI Construction Company in reliance on the audited financials and alleges it has sustained over \$31,000,000 in losses as a result.

3. Defendants filed a motion for summary judgment raising a variety

of complex complex legal issues.

4. In order to set forth full and complete arguments in support of the motion, a brief of more than fifteen pages is required.

5. Plaintiff does not oppose this motion.

WHEREFORE, Defendants request that they be permitted to file a brief in support of their Motion for Summary Judgment in excess of fifteen pages.

SWARTZ, CAMPBELL & DETWEILER

BY: Kathleen M. Carson

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ATTORNEYS FOR DEFENDANTS

Dated: September 12, 2002

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CERTIFICATE OF CONCURRENCE/NONCONCURRENCE

I, Justin Murphy, Esquire, certify that I contacted Bruce Levin, counsel for Plaintiff. Plaintiff is in concurrence with defendant's motion to file a brief in excess of fifteen pages. Defendants do not object to any request by Plaintiff for an additional six days within which to respond to defendant's brief.

SWARTZ, CAMPBELL & DETWEILER


Justin Murphy
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(215) 564-5190

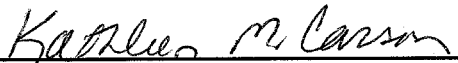
Dated: September 12, 2002

CERTIFICATE OF SERVICE

I, Kathleen M. Carson, Esquire, counsel for defendants, Bruce J. Brown and Brown, Schultz Sheridan & Fritz, hereby certify that a copy of defendants' motion for leave to file a brief in excess of fifteen pages was served upon all counsel listed below by facsimile and first class U.S. mail, postage prepaid on September 12, 2002

Peter Speaker, Esquire
Thomas, Thomas & Hafer
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Kathleen M. Carson

Date: September 12, 2002